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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/529,906	02/09/2006	Hideki Yoshinaga	00684.003583	2927

5514 7590 01/08/2008
FITZPATRICK CELLA HARPER & SCINTO
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NEW YORK, NY 10112

EXAMINER

CHOW, YUK

ART UNIT	PAPER NUMBER
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2629

MAIL DATE	DELIVERY MODE
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01/08/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/529,906	YOSHINAGA ET AL.	
	Examiner	Art Unit	
	Yuk C. Chow	2629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>09/01/2006; 04/01/2005</u> | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-8 are rejected under 35 U.S.C. 102(e) as being anticipated by Gates et al. (US Patent 6,504,524 B1).

As to claim 1, Gates discloses a driving method of a display apparatus, comprising:

a first drawing step (Fig. 3A) of displaying an image by controlling a display medium on the basis of a signal from first image creation means, and a second drawing step (Fig. 3B) of overwriting a handwritten image on the displayed image by controlling the display medium on the basis of a signal from second image creation means, wherein in said first drawing step, an image is rewritten by a reset drive for resetting a display state and a writing drive for writing an image, and in said second drawing step, the writing drive is performed without effecting the reset drive (See Col. 14 lines 33-56).

As to claim 2, Gates discloses a method according to claim 1, wherein in said second drawing step, the handwritten image is displayed at a substantially minimum luminance (Fig. 3E(12)) or a substantially maximum luminance (Fig. 3E(14)).

As to claim 3, Gates discloses a method according to claim 1, wherein said method further comprises a third drawing step (Fig. 3C) of erasing the handwritten image by leaving only the image written in said first drawing step, wherein the writing drive is performed without effecting the reset drive (see Col. 15 lines 16-39).

As to claim 4, Gates discloses a method according to claim 1, wherein said second drawing step is performed only in an area in which the handwritten image is written (Col. 14 lines 57-Col. 15 line 15).

As to claim 5, Gates discloses a method according to claim 1, wherein the display apparatus comprises electrodes to which voltages are applied from the first image creation means and the second image creation means, respectively, and the display medium for displaying an image on the basis of the voltages (see Fig. 3D, 3E and 3F).

As to claim 6, Gates discloses a method according to claim 1, wherein the display apparatus comprises a pair of substrates disposed with a predetermined spacing (Fig. 1A(d)), an insulating liquid (Fig. 1A(25)) disposed at the spacing between the substrate, and electrophoretic particles as the display medium (Fig. 1A(50)).

As to claim 7, Gates discloses a driving method of a display apparatus which permits handwriting input and has a memory characteristic, said driving method comprising: a first drawing step (Fig. 3A) of displaying an image which has been memorized in advance, and a second drawing step (Fig. 3B) of displaying a handwritten image by overwriting the displayed image with the handwritten image, wherein in said first display step, an image is rewritten by a reset drive for resetting a display state and

a writing drive for writing an image, and in said second display step, the writing drive is performed without effecting the reset drive (See Col. 14 lines 33-56).

As to claim 8, Gates discloses a display apparatus, which permits handwriting input and has a memory characteristic, comprising: detection means for detecting handwriting input, and drive means for effecting a first drive in which an image is rewritten by applying a writing voltage after resetting a previous display image when the handwriting input is not detected, and a second drive in which a previous display image is overwritten with a handwriting image by applying only a writing voltage without effecting resetting when the handwriting input is detected (see Col. 17 line 54-Col. 18 line 29).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yuk C. Chow whose telephone number is 571 270-1544. The examiner can normally be reached on 8-6 M-TH E.T..


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Amare Mengistu can be reached on 571 272-7674. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Application/Control Number:
10/529,906
Art Unit: 2629

Page 5

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

YC
01/07/2008


AMARE MENGISTU
SUPERVISORY PATENT EXAMINER